

REMARKS

The Office Action of February 19, 2003 has been received and its contents carefully noted. Concurrently filed herewith is a Request for Three (3) Month Extension of Time that extends the shortened statutory period until August 19, 2003. Accordingly, Applicants respectfully submit that this response is timely and fully responsive to the Office Action.

Applicants wish to thank Examiner Rudy for taking the time to conduct a personal interview, regarding this application, on July 2, 2003 in which the current rejection under 35 U.S.C. 101 was discussed, as well as the deficiencies of the Talib document with respect to the present invention.

By the foregoing amendment, claim 32 has been added and claims 3 and 7 have been canceled. Claims 1, 2, 4-6 and 8-32 are now pending in the application. Applicant respectfully submits that no issue of new matter is presented by entry of this amendment.

On page 2 of the Office Action, the drawings are objected to under 37 C.F.R. 1.83(a) as not showing every feature specified in the claims. Specifically, the claim 2 feature of assigning a weighted importance to each feature category comprises assigning a score between 0 and 100 to each feature category in a product category, is indicated as not being illustrated. In response thereto, Applicants provide herewith a replacement sheet showing an amended Fig. 2a and Fig. 2b. Specifically, element 202 in each figure has been amended to include "(e.g., a score between 0 and 100)." In view of these amendments to the Figures, Applicants respectfully request reconsideration and withdrawal of the objection.

Also on page 2 of the Office Action, the specification is objected to because "the body of the specification and several claims, e.g., claim 4, contain underscore marks." Applicants respectfully traverse this objection because Applicants can find no specific prohibition within the MPEP to support such an objection. Additionally, Applicants respectfully submit that the utilization of underscoring is standard notation for variables and data strings within computer technology. Furthermore, it is well known that underscoring is utilized in an effort to avoid errors when such variables are utilized in computing (ordinarily, computers do not recognize empty spaces within a data string). Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection. Additionally, if the objection is maintained, Applicants respectfully request further explanation as to why such notation is improper.

On page 3 of the Office Action, claims 1-30 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Independent claims 1 and 29-31 have been amended to recite, in more detail, the availability and use of “data records stored in one or more devices”, as discussed with the Examiner during the personal interview of July 2, 2003, and as clearly supported by the specification, for example, see page 10, lines 15-26 and page 6 line 8 to page 7, line 20. Thus, Applicants respectfully submit that all of the present claims are now in compliance with 35 U.S.C. §101 and no further rejection on such a basis is anticipated. If, however, the Examiner disagrees, the Examiner is invited to contact the undersigned attorney who will be happy to work with the Examiner in a joint effort to derive a mutually satisfactory solution. Applicants respectfully request that the rejection be reconsidered and withdrawn.

On page 4 of the Office Action, claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talib et al. (U.S. Application No. 2001/0044837) (hereinafter “Talib”). In view of the amendments provided above and the comments below, Applicants respectfully request reconsideration and withdrawal of the rejection.

Talib is directed to a system for searching an information directory using multiple independent hierarchical category taxonomies (Abstract).

The presently claimed invention as set forth in independent claim 1, on the other hand, is directed to a method of ranking products based upon data records stored in one or more devices and including data indicating product features and values corresponding to the product features. More specifically, an exemplary embodiment of the invention is directed to assigning feature categories corresponding to product features for at least one product category based on available data in the data records, assigning a weighted importance to the feature categories based on available data in the data records, ranking products in the product category according to the weighted importance of the feature categories included in each

item, receiving a selection from a user of at least one feature category that is of importance to the user for the product category, assigning an increased weighted importance of the selected feature category, and ranking products in the product category based on the increased weighted importance of the selected feature category. Talib does not disclose or suggest this combination of features.

One exemplary embodiment of the present invention allows users to search for products on a shopping portal. Applicants submit that Talib's search engine does not relate to searching and ranking products, as set forth in the various independent claims of the present invention. Instead, Talib's search engine promotes the use of "taxonomies" that comprise a plurality of categories to assist a user in narrowing searches (see paragraphs 86-88 of Talib). Furthermore, Applicant respectfully submits that Talib's search engine does not give any weighted importance to a user selected item based on the importance to the user, as recited in the claims. Instead, Talib merely generates a search result based upon a user input (see paragraph 96).

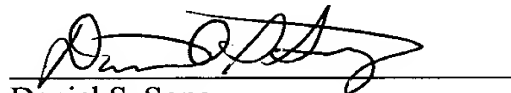
More specifically, Talib does not disclose or suggest receiving a selection from a user of at least one feature category that is of importance to the user for the product category and assigning an increased weighted importance of the selected feature category, as recited in independent claim 1. The Examiner indicates on page 4 of the Office Action that Talib's products are deemed weighted and may be Boolean searched on a computer readable medium and that providing a greater weight of importance would have been obvious to one of ordinary skill in the art as doing such would "provide well known ranking charts and product selection that are common knowledge within the industry". However, Applicants can find no disclosure within Talib of receiving a selection from a user of at least one feature category that is of importance to the user for the product category and assigning an increased weighted importance of the selected feature category, as recited in independent claim 1. Thus, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 2-28 are dependent upon independent claim 1 and are allowable for at least the same reasons described above, as well as for reasons of their own.

Applicants respectfully submit that independent claims 29-31 are allowable over Talib at least for the reasons provided above.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims. Applicants respectfully request that the Examiner enter the present amendment because the amendment places the application in condition for allowance.

Respectfully submitted,



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Attachment: Figs. 2a & 2b

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